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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Pavel SLANINA *et al.* : Examiner: FEDOWITZ, Matthew, L
Serial No. 10/705,926 : Group Art Unit: 1623
Filed: November 13, 2003 : Docket No.: SYN-0036
For: Process for Making Risperidone and Intermediates Therefor

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

November 21, 2005
(Monday)

Sir:

In the Office Letter mailed September 20, 2005, the Examiner required restriction of the application to one of the following Groups of claims:

- I. Claims 1-9 [sic, 13], directed to compounds; or
- II. Claims 14-39 directed to processes and methods.

Although the Examiner did not place claims 10-13 in any group, applicants understand that these claims are included in Group I, since they depend from claim 9. The Examiner states that restriction is proper because Group I is directed to compounds and Group II is directed to processes. This position is respectfully traversed.

The Examiner has failed to establish distinctness between the groups as required by MPEP § 800. That the Groups are directed to compounds and processes merely establishes that the groups are related. It does not establish that they are distinct within the meaning of 35 U.S.C.

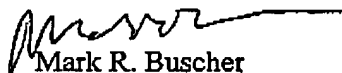
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§ 121. Having failed to give any reason in support of distinctness, the Examiner has failed to establish a *prima facie* case for restriction.

Nonetheless, in order to be fully responsive, applicants hereby elect, with traverse as noted above, Group I, claims 1-13, for initial examination on the merits.

Should the Examiner have any questions regarding this application, he is requested to contact applicants' representative, Mark R. Buscher (Reg. No. 35,006) at telephone number 703 753 5256.

Respectfully submitted,


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